IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1594 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 31/08/2004 in WP NO : 15548 OF 2004 on the file of the High Court.)

Between:

Indian Oil Corporation Limited, A.P. State Office,

3-6-436, 2nd Floor, Himayathnagar, Hyderabad,

represented by its Chief L.P.G. Manager B. Vasanth Kumar,
S/o Sri Soorayya, Aged about 58 years, R/o Hyderabad.

..... APPELLANT

AND

The Employees Provident Fund Organisation,

represented by Assistant Provident Fund Commissioner,
Sub Regional Office, VUDA layout, NAD Post, Visakhapatnam.

.....RESPONDENT

For the Appellant: MR. G.VIDYASAGAR, Advocate.

For the Respondent: MR. R.N.REDDY, Standing Counsel.

The Court made the following Judgment: (per Sri B. Sudershan Reddy, J)

We have heard the learned senior counsel appearing on behalf of the petitioner and Sri R.N. Reddy, learned Standing Counsel appearing on behalf of the respondent. Concededly, the subject matter that arises for consideration is squarely covered by an Order passed by this Court in W.A No. 1476 of 2004 dated 14.09.2004. However, the learned Standing Counsel made an attempt to point out the slight distinction that the Order impugned in W.A No. 1476 of 2004 was passed under Section 7-C of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 whereas the present order is passed under Section 7-A of the Act. Except that no other distinction is pointed out.

In our considered opinion, the same order that was passed in W.A No. 1576 of 2004 is required to be passed in this writ appeal also.

In the circumstances, the Writ Appeal is disposed of directing the appellant herein to file an appeal and an application for grant of stay before the appellate authority within two weeks from today. The appeal and the application shall be kept pending to be taken up by the appellate authority after the appointment of the Chairman. In the meanwhile, there shall be stay of the impugned order only till the application filed by the appellant is taken up for hearing by the appellate authority. There shall be an order accordingly.

It is needless to observe that the appellate authority shall not be influenced by any of the observations made in this order.

(B. Sudershan Reddy, J)

13..10..2004

(K.C. Bhanu, J)

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To

1 The Employees Provident Fund Organisation,

represented by Assistant Provident Fund Commissioner,
Sub Regional Office, VUDA layout, NAD Post, Visakhapatnam.

2 Two CD copies.